IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

TUESDAY, THE 29TH MAY 2007 / 8TH JYAISHTA 1929

OP.No. 10941 of 1997(C)

PETITIONER:

D.SURESH KUMAR,
REHABILITATION TECHNICIAL GR-II (ORTHOTICS),
GENERAL HOSPITAL, ERNAKULAM.

BY ADV. SRI.C.P.SUDHAKARA PRASAD
SRI.P.N.SANTHOSH

RESPONDENTS:
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1. **THE KERALA PUBIIC SERVICE COMMISSION,**
REP.BY ITS SECRETARY, PATTOM,
THIRUVANANTHAPURAM.

2. **THE DIRECTOR OF HEALTH SERVICES,**
THIRUVANANTHAPURAM.

3. **N.THULASIDHARAN ASARI,**
REHABILITATION TECHNICIAN GR-II (ORTHOTICS),
DISTRICT HOSPITAL, KOLLAM.

BY ADV. SRI.V.R.RAMACHANDRAN NAIR
SRI.P.C.SASIDHARAN, SC, KPSC
GOVERNMENT PLEADER SRI.P.NANDAKUMAR

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 29/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP. NO.10941/1997

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE RANKED LIST OF CANDIDATES FOR THE POST OF REHABILITATION TECHNICIAN GR-II (ORTHOTICS).

EXT.P2:- COPY OF THE ORDER NO.EF2/527/91/DHS. DT.24.5.1993 ISSUED BY THE 2ND RESPONDENT.

EXT.P3:- COPY OF THE REPRESENTATION DT.5.11.1993 FROM THE PETITIONER TO THE P.S.C.

EXT.P4:- COPY OF THE REPRESENTATION DT.1.3.1994 FROM THE PETITIONER TO THE P.S.C.

EXT.P5:- COPY OF THE COMMUNICATION NO./RIA (5) 7900/93/GW. DT.2.1.1995 FROM THE P.S.C. TO THE PETITIONER.

EXT.P6:- COPY OF THE ORDER NO.EF1-43235/96/DHS DT.18.2.1997 ALONG WITH THE SENIORITY LIST ISSUED BY THE 2ND RESPONDENT .

EXT.P7:- COPY OF THE LETTER NO.RIA/(5) 3414/96/GW. DT.28.2.1996 ISSUED BY THE P.S.C.

EXT.P8:- COPY OF THE ORDER NO.EF1.32628/98/DHS DT.21.4.1998 ISSUED BY THE 2ND RESPONDENT . (PRODUCED ALONG WITH THE REPLY AFFIDAVIT.)

EXT.P9:- COPY OF THE ORDER NO.EF1.32628/98/DME. DT.8.7.99 ISSUED BY THE 2ND RESPONDENT . (PRODUCED ALONG WITH THE REPLY AFFIDAVIT.)

EXT.P10:- COPY OF THE ORDER G.O.(MS) NO.198/88/H&FWD DT.29.10.88. (PRODUCED ALONG WITH THE REPLY AFFIDAVIT.)

EXT.P11:- COPY OF THE ORDER G.O. (MS) NO.60/94/HD. DT.18.3.1994.

EXT.P12:- COPY OF THE COMMUNICATION NO.A5-764/96. DT. 25.10.1997 FROM THE SUPERITENDENT, DISTRICT HOSPITAL, PALAKKAD TO THE D.M.O. , PALAKKAD.

EXT.P13:- COPY OF THE CERTIFICATE DT.15.10.99 ISSUED BY HOME FOR HANDICAPPED (POLIO) CHILDREN.

EXT.P14:- COPY OF THE CERTIFICATE DT.27.5.93 ISSUED BY THE MEDICAL TRUST HOSPITAL , ERNAKULAM.

EXT.P15:- COPY OF THE CERTIFICATE DT.25TH AUGUST , 2006 ISSUED BY THE MEDICAL TRUST HOSPITAL, ERNAKULAM.

EXT.P16:- COPY OF THE CERTIFICATE DT.28TH AUGUST, 2006 ISSUED BY THE CENTRE FOR REHABILITATION OF THE DISABLED (FORMERLY HOME FOR HANDICAPPED (POLIO) CHILDREN), TRIVANDRUM

/TRUE COPY/

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K.BALAKRISHNAN NAIR,J.

OP NO.10941 OF 1997-C

Judgment

The petitioner, who is a Rehabilitation Technician Grade I (Orthotics) in the Health Services Department, claims promotion to the post of Foreman in the light of Ext.P10 order, prescribing the qualification and method of appointment to that post. When the Writ Petition was filed, he was a Rehabilitation Technician Grade II. Now, he is Rehabilitation Technician Grade I, which is a feeder category to the post of Foreman. According to the petitioner, he has got all the qualifications prescribed in Ext.P10, for promotion to that post. The respondents raise some dispute regarding the qualification possessed by him. But, having regard to the facts of the case, the second respondent is directed to consider the claim of the petitioner for promotion in accordance with law within two months from the date of receipt of a copy of this Judgment. The petitioner shall produce all documents, while producing the copy of the Judgment before the second respondent, to show that he has got all the prescribed qualifications in terms of Ext.P10. No other reliefs are sought in the OP. Accordingly, it is disposed of.

29.05.2007 **K.BALAKRISHNAN NAIR,JUDGE**

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